IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.70 OF 2006

IN

PETITION NO.554 OF 2006

...

Prakash Sunderdas Aswani ...Petitioner

v/s.

Mahesh Kishinchand Aidasani ...Respondent

...

Mr.S.N.Vaishnawa i.b N.N.Vaishnawa & Co. for the Petitioner.

Mr.U.J. Makhija i/b Ms.Preeti Shah for the Respondent.

...

CORAM: D.K.DESHMUKH, J.

DATED: 6TH OCTOBER,2006

P.C.:

Though an application is made for appointment of administrator in a testamentary suit, there are no allegations made that if the administrator is not appointed the property left behind by the deceased is likely to be wasted or removed from the jurisdiction of the court. Such an application cannot be entertained without proper allegations being made. Usual remedy of the Petitioner is to institute a civil suit for administration of the estate of the deceased. Motion disposed of.

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